



**Date:** July 7, 2015

**To:** Thomas J. Bonfield, City Manager  
**Through:** Keith Chadwell, Deputy City Manager  
**From:** Mark Ahrendsen, Director of Transportation  
**Subject:** Grant Agreement for Sidewalk Construction on NC 751 and NC 54 (TIP # U-4726HJ)

### **Executive Summary**

The City of Durham has received federal funds through the Durham-Chapel Hill-Carrboro MPO to construct sidewalks on NC 751 between Garrett Rd and NC 54, and on NC 54 between NC 751 and Dresden Drive. It is estimated that a total of \$283,558 is needed. The federal funding amount is \$182,000, which requires a 20 percent local match of \$45,500 from the City. An additional \$56,058 in City funding is needed for construction administration, inspections, testing, and right-of-way acquisition. The Public Works Department has designed the project and will manage construction. To utilize these funds, the City Council must approve a CIP Ordinance Amendment and a resolution accepting the funds and authorizing the City Manager to execute a grant agreement with the North Carolina Department of Transportation (NCDOT).

### **Recommendation**

It is recommended that the City Council adopt an ordinance amending FY2015-16 General Capital Improvement Project Ordinance #14778, for the purpose of receiving the federal funds. It is further recommended that the City Council adopt a resolution authorizing the City Manager to execute a grant agreement with NCDOT.

### **Background**

The need for sidewalks on NC 751 and NC 54 between Garrett Road and Dresden Drive was identified in the 2011 update to the DurhamWalks! Pedestrian Plan. The sidewalk along NC 751 is ranked number two in priority out of more than 200 ranked corridors. While there is some existing sidewalk along NC 751 and NC 54, the project will add additional segments of sidewalk to close gaps, increase connectivity to bus stops, schools, and neighborhoods, and bring the sidewalk up to current accessibility standards. For more information see Attachment D, Vicinity Map.

Funding for the project is from Surface Transportation Program – Direct Attributable (STP-DA) funds approved by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). The Public Works Department has prepared construction drawings for the project in-house.

The Public Works Department estimates that right-of-way acquisition for the project will begin on November 1, 2015 and the project will be let for construction on April 1, 2017. It is anticipated that construction will be completed by March 1, 2018.

Please note that the Section 10 of the agreement requires the City to be solely responsible for any damages that might arise from the existence of hazardous or contaminated materials in the right of way, and also requires that the City will hold NCDOT harmless from legal actions relating to damage caused by the existence of such materials. The City has asked NCDOT to consider alternative language for this section of the agreement. If NCDOT agrees to the alternative language, it will be incorporated into the final agreement to be signed by the City Manager.

### **Alternatives**

The Durham City Council could decide to:

- Approve the recommended resolution and CIP Ordinance Amendment; or,
- Send the item back to staff for further review; or,
- Not approve the resolutions and CIP Ordinance Amendment.

### **Financial Impacts**

The federal STP-DA funds require a local match of \$45,500. An additional \$56,058 is needed for construction administration, inspections, testing, and right-of-way acquisition (to cover expenses that NCDOT will not reimburse), which increases the total local funding for the project to \$101,558. Funds are available in the Federal-State Match CIP fund. The administration of the project will require a commitment of staff resources.

### **SDBE Summary**

The municipal agreements with NCDOT require that their procedures be followed for these projects. The Department of Equal Opportunity/Equity Assurance did not review this item for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

### **Attachments:**

Attachment A – CIP Ordinance Amendment

Attachment B – Grant Resolution

Attachment C – NCDOT Grant Agreement for Project U-4726HJ

Attachment D – Vicinity Map

cc: Marvin Williams, Director of Public Works